

fendant had reason so to believe. In my view, it is immaterial whether or not defendant, in these circumstances, regarded the bees as dangerous. If he was making an unreasonable use of his premises, and injury resulted therefrom to plaintiff, he is liable.

It was defendant's right to have on his premises a reasonable number of bees, or bees so placed as not to unfairly interfere with the rights of his neighbour, but, if the number was unreasonable, or if they were so placed as to interfere with his neighbour in the fair enjoyment of his rights, then what would otherwise have been lawful, becomes an unlawful act. In this case the jury found as a matter of fact that the bees, because of their number and situation, were dangerous to plaintiff. Defendant was acting unlawfully, and he is liable for injury flowing directly from such unlawful act: *O'Gorman v. O'Gorman*, [1903] 2 I. R. 573; *Farrer v. Nelson*, 15 Q. B. D. 260.

Appeal dismissed with costs.

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